

SCOTTSDALE

CITY COUNCIL MEETING

NOTICE AND AGENDA



COUNCIL

Mary Manross, Mayor

Betty Drake

Wayne Ecton

W.J. "Jim" Lane

Robert W. Littlefield

Ron McCullagh

Kevin J. Osterman

Tuesday, October 18, 2005

4:00 P.M.

CITY COUNCIL SPECIAL MEETING

MARKED AGENDA

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – **4:02 P.M.**

Roll Call – **ALL PRESENT**

Boards, Commissions and Task Forces

How the Board and Commission Interview and Appointment Process Works: The Council will spend a few minutes interviewing each board and commission nominee. At the conclusion of the interviews, the Council will make the appointments. Once the appointments have been made, the Council will take a short recess and reconvene at 5:00 p.m. to consider the remainder of the items on tonight's agenda.

Interview of citizen nominees and appointments to City boards and commissions.

Building Advisory Board of Appeals. *Nominee:* Bucky Haver

Council action to fill one vacancy. – **BUCKY HAVER**

Environmental Quality Advisory Board. *Nominees:* Robert Annan, Michele Cohen, Jimmy Leung

Council action to fill two vacancies. – **MICHELE COHEN, JIMMY LEUNG**

Judicial Appointments Advisory Board. *Nominees:* John Corey, Bernard Katz, Paul Rybarsyk

Council action to fill one Scottsdale Bar Representative and one Citizen Representative. Council also to officially acknowledge the Arizona Supreme Court Chief Justice's appointment of Judge Ronald Reinstein. – **JOHN COREY, PAUL RYBARSYK, CONFIRMED APPOINTMENT OF JUDGE RONALD REINSTEIN**

Loss Trust Fund Board. *Nominees:* Les Boyce, Dean Coughenour, Edward Foster

Council action to fill two vacancies. – **DEAN COUGHENOUR**

Neighborhood Enhancement Commission. *Nominees:* Robert Bretz, Andrew Bryant, Lydia Dross, Aaron Kern

Council action to fill one vacancy. – **AARON KERN**

Adjourn Special Meeting – **4:57 P.M.**

5:00 P.M.
CITY COUNCIL MEETING

Call to Order – **5:09 P.M.**

Roll Call – **ALL PRESENT**

Pledge of Allegiance – **GIRL SCOUT TROOP 2258, LEADER VALERIE TEICH**

Invocation – **PASTOR LARRY ANDERSON, SCOTTSDALE BIBLE CHURCH**

Presentations/Information Updates

Domestic Violence Awareness Month Proclamation

Public Comment – NAN NESVIG PRESENTED A PETITION TO THE COUNCIL TO INVESTIGATE THE DECISION-MAKING PROCESS USED FOR THE CONDITIONAL USE PERMIT APPROVAL CONCERNING THE PARADISE VALLEY ARSENIC TREATMENT FACILITY; RON WELB SPOKE ABOUT LIGHTENING STRIKES AND REQUESTED ELECTRICAL INSTALLATIONS BE SUBJECT TO PERMITTING AND LICENSING REQUIREMENTS; ROLAND KUEFFNER BELIEVES THAT MISINFORMATION WAS PRESENTED TO CITY STAFF AND COUNCIL ON THE PARADISE VALLEY ARSENIC TREATMENT FACILITY WATER TANKS AND ASKED COUNCIL TO RECONSIDER THE DECISION MADE IN JANUARY; ERIC NESVIG ASKED THE COUNCIL TO REQUIRE ARIZONA AMERICAN WATER COMPANY TO BUILD UNDERGROUND TANKS AT THE PARADISE VALLEY ARSENIC TREATMENT FACILITY; WILHELM KUEFFNER STATED THE TOWN OF PARADISE VALLEY BENEFITS FROM THE PARADISE VALLEY ARSENIC TREATMENT FACILITY INFRASTRUCTURE UPGRADES, NOT THE CITY OF SCOTTSDALE.

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "Public Comment." This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items.

Approval of Minutes - OK – 7/0

SPECIAL MEETINGS

REGULAR MEETINGS

WORK STUDY SESSIONS

EXECUTIVE SESSIONS

September 20, 2005

September 20, 2005

September 27, 2005

CONSENT AGENDA ITEMS 1 - 14

How the Consent Agenda Works: The Council may take one vote to act on all items on the Consent Agenda, or may remove items for further discussion. Every interested citizen will have one opportunity to speak on any or all Consent Agenda items. If you wish to speak on these items, please complete a Comment Card for each topic you wish to address. **You will be given at least three minutes to speak on all the Consent Agenda items you wish to address. Additional time for multiple agenda items will be at the Mayor's discretion.**

After all speakers have finished, the City Council will decide which items to remove for additional discussion and/or presentation from staff. Items not removed from the Consent Agenda will be considered in one motion. Items removed for clarification or discussion by the Council will be acted on as appropriate.

1. Agent Change for Target Store #1327 (Beer and Wine Store) Liquor License – OK – C

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for an agent change notification for Target store #1327, series 10 (beer and wine store).

Location: 32351 N. Scottsdale Road

Reference: 26-LL-2004#2

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

CONSENT AGENDA

Tuesday, October 18, 2005
Page 3 of 6

2. **Agent Change for Target Store #936 (Beer and Wine Store) Liquor License – OK – C**
Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for an agent change notification for Target store #936, series 10 (beer and wine store).
Location: 15444 N. Frank Lloyd Wright Boulevard
Reference: 61-LL-2004#2
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov
3. **Capital Grille of Scottsdale (Restaurant) Liquor License – OK – C**
Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license.
Location: 16489 N. Scottsdale Road
Reference: 49-LL-2005
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov
4. **Grocery Station (Beer and Wine Store) Liquor License – OK – C**
Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 10 (beer and wine store) liquor license.
Location: 10810 E. Via Linda
Reference: 51-LL-2005
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov
5. **The Promenade Final Plat – OK – 6/0 (BD COI)**
Requests:
 1. Approve a final plat for an existing Planned Regional Center that was previously approved through the Development Review Board process.
 2. Adopt Resolution No. 6738 authorizing the Mayor to execute Development Agreement No. 2005-150-COS.**Location:** 16447 N. Scottsdale Road
Reference: 16-PP-2005
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

6. **The Estates At Miramonte Abandonment – OK – C**

Requests:

1. Abandon 20-foot portions of the 40-foot-wide roadways along N. 124th Street and East Williams Drive that abut the Miramonte Plat.
2. Abandon 15-foot portions of the 30-foot-wide roadway along N. 122nd Street that abuts the Miramonte Plat.
3. Adopt Resolution No. 6747 vacating and abandoning a public right-of-way.

Location: North 122nd Street, Williams Drive and North 124th Street

Reference: 14-AB-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

7. **Six Residence Environmentally Sensitive Lands Ordinance Hardship Exemption – MOTION TO CONTINUE – OK – 7/0**

Request: Consider an Environmentally Sensitive Lands Ordinance (ESLO) Hardship Exemption from the 15-foot wall setback requirement located at 6200 E. Calle De Mandel.

Location: 6200 E. Calle De Mandel

Reference: 5-HE-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

8. **Design-Build Contract for a Fire Training Tower located at the Police/Fire Training Center – OK – C**

Request: Authorize Design-Build Contract 2005-144-COS with Howard S. Wright Construction Co. in an amount not to exceed \$500,000 for the construction of a pre-engineered building to serve as a fire training tower.

Related Policies, References: City Council awarded Architectural Services Contract No. 2004-100-COS to Perlman Architects of Arizona, for the design of the classroom portion of the project on July 6, 2004.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov

9. **Construction Services Contract for the Lost Dog Wash Access Area (Preserve Trailhead) Amenities and 124th Street Roadway Improvements – OK – C**

Requests:

1. Authorize Construction Manager at Risk (CM@Risk) Contract No. 2005-149-COS with Valley Rain Construction Corporation for construction services at a Guaranteed Maximum Price of \$3,276,113 for the construction of the Lost Dog Wash Access Area and 124th Street roadway improvements, including a bridge over the Lost Dog Wash.
2. Authorize acceptance of a matching grant of \$179,879 from the Arizona State Park Trails Heritage Fund and transfer from grant contingency the same amount to Lost Dog Wash Access Area. The grant contingency will be repaid when the State makes a construction payment. Authorization to apply for and accept the grant was granted by the City Council on February 8, 2005, with the adoption of Resolution No. 6606.
3. Authorize a payment to Arizona Public Services in the approximate amount of \$29,000 to install electric lines, distribution cabinets, and new streetlights along Wetherfield Road.

Item No. 9 Continued on the Following Page

Item No. 9 Continued

Related Policies, References: This action directly supports City Council Broad Goal B: Preserve the Character and Environment of Scottsdale, and sub-goals under Goal B: Create access into the Preserve, and Create learning opportunities in the Preserve.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov; Robert Cafarella, Preservation Director, 480-312-2577, rcafarella@scottsdaleaz.gov

10. FY2005/2006 Community Events Funding – MOTION TO APPROVE FUNDING FOR PARADA DEL SOL AND ARTWALK, AND CONTINUE CONSIDERATION OF FUNDING FOR MOUNTAIN McDOWELL MUSIC FESTIVAL AND NEW YEAR'S EVE BLOCK PARTY TO ALLOW A COMPLETE PRESENTATION BY APPLICANTS – OK – 6/1 (KO)

Requests:

1. Approve and adopt recommendations to authorize funds from the General Fund for non-bed tax funded Scottsdale Community Events.
2. Authorize the Tourism Development Manager to execute, on behalf of the City, individual agreements with each approved Event Producer.
3. Adopt Resolution No. 6740 authorizing funding for the FY 2005/2006 Community Events support program and authorizing the Tourism Development Manager to execute individual agreements with each Event producer.

Related Policies, References: Ordinance No. 2049/2707/3577 (amended) provides for the promotion of qualified events through the expenditure of bed tax funds.

Staff Contact(s): Dave Roderique, Economic Vitality General Manager, 480-312-7601, droderique@scottsdaleaz.gov; Kathy Carlisle O'Connor, Tourism Development Manager, 480-312-7057, kcoconnor@scottsdaleaz.gov

11. Intergovernmental Agreement with Fountain Hills for Operation of an Emergency Barricade Program – OK – C

Request: Adopt Resolution No. 6733 authorizing Intergovernmental Agreement No. 2005-039-COS between the City of Scottsdale and the Town of Fountain Hills for the purpose of coordinating incident response and temporary traffic operations along Shea Boulevard between the intersection of 136th Street in Scottsdale to the intersection of Palisades Boulevard in Fountain Hills.

Related Policies, References: Arizona Revised Statutes 11-951 and Section 3-1 of Article 1 of the Charter of the City of Scottsdale.

Staff Contact(s): Mary O'Connor, Transportation General Manager, 480-312-2334, moconnor@scottsdaleaz.gov

12. Aerial Photography and Digital Terrain Modeling – OK – C

Request: Authorize Professional Services Contract #2005-147-COS with Stewart Geo Technologies in the amount of \$348,747 for the purchase of new color digital aerial photography and digital terrain models.

Staff Contact(s): Brad Hartig, Chief Information Officer, Information Systems, 480-312-7615, bhartig@scottsdaleaz.gov

13. **Settlement and/or Offer of Judgment in Watson v. City of Scottsdale, et al – OK – C**
Request: Consider Adopting Resolution No. 6762 authorizing a settlement in the amount of \$400,000 to resolve a lawsuit entitled *Watson v. City of Scottsdale* et al, Cause No. CV 2005-050985, currently pending in Maricopa County Superior Court and alternatively authorizing an offer of judgment in the amount of \$400,000 to be filed if a settlement is not reached.
Staff Contact(s): Deborah Robberson, Acting City Attorney, 480-312-2405, drobberson@scottsdaleaz.gov; Michael Mason, Risk Management Claims Manager, 480-312-7040, mmason@scottsdaleaz.gov
14. **Intergovernmental Agreement with Salt River Pima Maricopa Indian Community (SRPMIC) to Fund Programs and Local Activities – OK – C**
Request: Adopt Resolution No. 6752 authorizing Intergovernmental Agreement No. 2005-154-COS between the Salt River Pima-Maricopa Indian Community and the City to accept \$810,500 in Proposition 202 funds. The agreement was anticipated and budget was included in the adopted Grants budget for 2005/2006. Of the total funding, the City will distribute \$575,000 to community programs outside the City, and \$235,500 will be used for various City of Scottsdale Human Service programs.
Related Policies, References: On Oct. 18, 2004, the Scottsdale City Council authorized the Mayor to execute IGA No. 2004-145-COS to accept a similar agreement. This IGA is in accordance with Proposition 202, and ARS 5-601 related to distribution of a share of tribal gaming revenues for public benefit.
Staff Contact(s): Bridget Schwartz-Manock, Government Relations Director, 480-312-2423, bschwartzmanock@scottsdaleaz.gov; Debra Baird, Community Services General Manager, 480-312-2377, debb@scottsdaleaz.gov

Public Comment – DAVID ADLER ASKED THAT THE TANKS AT THE PARADISE VALLEY ARSENIC REMOVAL FACILITY BE BURIED FOR REASONS OF SAFETY AND AESTHETICS.

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City Manager's Report – NONE

Mayor and Council Items – NONE

Adjournment – 6:21 P.M.